

(Administrative Act of the “APA”).

2. Venue is proper under 28 U.S.C. section 1391(b), since Defendant JOHNSON is the Secretary of U.S. Department of Homeland Security, COMEY is Director of the Federal Bureau of Investigations, and LORI PIETROPAOLI is District Director of USCIS, agencies of the United States Government, under the Department of Homeland Security.

3. This action is brought to compel the defendant, officers and an agency of the United States, to perform its duties arising under the laws of the United States.

4. The APA requires USCIS and the FBI to carry out their duties within a reasonable time. The provision of the APA that provides this is 5 USC Sec. 555(b), which states that “with due regard for the convenience and necessity of the parties or their representatives and within a reasonable time, each agency shall proceed to conclude a matter presented to it.” USCIS and FBI are subject to 5 USCIS Sec. 555(b). The Plaintiffs contend that the delays in processing their applications for petitions are unreasonable.

PARTIES

5. Plaintiff ZIAD is a native of Palestine, married to Haneen Ziad, a U.S. Citizen, , currently residing in Orland Park, Illinois.

6. Plaintiff is the beneficiary of an I-130 Petition for Alien Relative and adjustment of status, Form I-485, which were filed concurrently.

7. Defendant, JOHNSON is the Secretary of U.S. Department of Homeland Security, COMEY is Director of the Federal Bureau of Investigations, and LORI PIETROPAOLI is District Director of USCIS, agencies of the United States Government, under the Department of Homeland Security.

8. That JAMES B. COMEY is sued in his official capacity. The FBI is responsible for the

proper background clearance conducted on each applicant for immigration benefits.

CLAIMS FOR RELIEF

9. On or February 11, 2013 Plaintiff's wife filed a Petition for Alien Relative on behalf of Plaintiff.

10. That pursuant to INA 201 B, Plaintiff filed his I-485 application to adjust status to permanent resident concurrently.

11. That on or about May 1, 2013, Plaintiff and his wife appeared for an I-485 interview at the Chicago USCIS Office.

12. Since the time of the Plaintiff's submission of Petition with the Defendant, the Plaintiff has made numerous oral and written requests of the Defendant concerning a final adjudication of said applications.

13. Despite these inquiries to Defendant, it is Plaintiff's belief that the applications remain unadjudicated.

14. The Defendant, in violation of the Administrative Procedure Act, is unlawfully withholding or unreasonably delaying a decision on the applications of Plaintiff.

15. Plaintiffs have exhausted any remedies that may be exist.

WHEREFORE, Plaintiffs prays that the Court, in light of the foregoing:

A. Compel Defendant and those acting under him to perform their duty to rule upon the Plaintiff's applications;

B. Compel the Federal Bureau of Investigation to complete their background and fingerprint process.

C. Grant attorney's fees and cost of court

D. Grant such other and further relief as this Court sees proper under the circumstances.

Respectfully Submitted,

/s/ Reem H. Odeh
Reem H. Odeh
Attorney for Plaintiff

Reem H. Odeh
Law Offices of Reem Odeh
134 N. La Salle, 9th Floor
Chicago, Illinois 60602
312-739-1000-Phone
312-739-1190-Fax